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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,356	02/16/2001	Charles William Fisher	8425L	3526

27752 7590 09/22/2003

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
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EXAMINER

BALSIS, SHAY L

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/785,356

Applicant(s)

FISHER, CHARLES WILLIAM

Examiner

Shay L Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-11, 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 11 August 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 8/11/03. These drawings are acceptable.

### *Claim Rejections - 35 USC § 102*

2. Claims 1-2, 4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Guha (USPN 5555587).

Guha teaches a floor mopping machine with appendages (fig 1d) that are attached for lateral extension. The appendage comprises a flaccid body (17) with a top side and bottom side. The body is biased downward by means of a rim (16) that extends along the periphery of the body. The body is sponge material that is flexible and resilient. The appendage is pivotally (18) attached to the floor mopping machine allowing for vertical movement of the body up and down (col. 3, lines 1-30). A drum (11) is fixed directly to the motor forcing the drum to rotate horizontally. The appendages are guided laterally by slots and ribs (19) in the drum, thus forcing the appendages to rotate horizontally with the drum. As shown in figure 1e, the body of the appendage is shown to be less than 15.5 cm or 6.10 inches as well as have an aspect ratio of at least 4.

3. Claims 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Petner (USPN 5915437).

Petner teaches a mobile floor cleaning device comprising a body (4) with a top side and bottom side. On the top side there are sheet retaining mechanisms (9) and on the bottom there is a pad (5). The sheet retaining mechanisms holds cleaning sheets (6) in place to ensure attachment. The body is biased downward by means of a rim (3) that extends along the periphery of the

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body. The body is a flexible, resilient material in order to withstand the defects and imperfections in the flooring. The body is pivotally connected to the handle. The body of the appendage is integral to the sheet retaining mechanisms as seen in figure 1.

4. Claims 9-11, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Petner (USPN 5915437).

Petner teaches a mobile floor cleaning device comprising a body (4) with a top side and bottom side. On the top side there are sheet retaining mechanisms (9) and on the bottom there is a pad (5). The sheet retaining mechanisms holds cleaning sheets (6) in place to ensure attachment. The body is biased downward by means of a rim (3) that extends along the periphery of the body. The body is a flexible, resilient material in order to withstand the defects and imperfections in the flooring. The body is pivotally connected to the handle. The body of the appendage is integral to the sheet retaining mechanisms as seen in figure 1.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 5-8 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nakamura et al. "*Nakamura*" (USPN 5720077).

Nakamura teaches a floor cleaning robot with an appendage (37) that is attached for lateral extension. The appendage comprises a body (37) with a top side and bottom side. The

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body is biased downward by means of a rim (figure 1) that extends along the periphery of the body. The appendage is translationally attached to the robot to allow for movement in the horizontal plane relative to the apparatus (fig 5). As shown in figure 1, the body of the appendage is shown to be less than 15.5 cm or 6.10 inches as well as have an aspect ratio of at least 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a flexible material for the appendage. This would increase the capabilities of the appendage by being able fit into smaller crevices and cover greater surface area.

***Applicant's Arguments***

7. a. Guha does not teach appendages that are moveable in the horizontal plane.
- b. Gurstein teaches a round pad that has an aspect ratio of 1.
- c. Nakamura teaches a vacuum nozzle that is not flaccid.
- d. Gallo teaches a round pad not an elongate one.
- e. Petner does not teach an appendage for a mobile apparatus.

***Response to Arguments***

8. a. Guha's apparatus not only moves vertically but also rotates horizontally as clarified in the above rejection.
- b. Applicant's arguments, see page 10, filed 8/11/03, with respect to Gurstein have been fully considered and are persuasive. The rejection of claims 1-3 and 6-8 has been withdrawn.
- c. It is true that Nakamura teaches a vacuum head however, it would have been obvious as stated in the above rejection to make the vacuum head flaccid, thereby meeting the amended claims.

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d. Applicant's arguments, see page 11, filed 8/11/03, with respect to Gallo have been fully considered and are persuasive. The rejection of claims 9-12 and 15 has been withdrawn.

e. Petner teaches a mop and a mop is considered mobile apparatus since a mobile apparatus is one which moves. The mobile apparatus portion of the mop is considered to be the handle (2) and the rim portion (3).

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

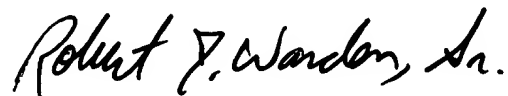
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 703-305-7275. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 703-308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

slb  
9/5/03

A handwritten signature in black ink that reads "Robert J. Warden, Sr." in a cursive script.

ROBERT J. WARDEN, SR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700